

LABOUR DEPARTMENT

The 12th September, 1980

No. 11(112)-80-3Lab,10109.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/S Chief Administrator Faridabad Complex, Faridabad.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER INDUSTRIAL TRIBUNAL HARYANA FARIDABAD

Reference No. 284 of 1978

Between

SHRI RAN SINGH WORKMAN AND THE MANAGEMENT OF M/S CHIEF ADMINISTRATOR FARIDABAD COMPLEX FARIDABAD

Present.—Shri Bhim Singh Yadav for the workman.

Shri Lakan Pal for the management.

AWARD

By order No. ID/FD/8-H-78/34847, dated 25th July, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Chief Administrator Faridabad, Complex Faridabad and its workman Shri Ran Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ran Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 1st June, 1979:—

1. Whether the workman was on probation?
2. Whether the work of the workman was unsatisfactory?
3. Whether the reference is barred by principles of res judicata?
4. As per terms of reference.

And the case was fixed for the evidence of the management. The management examined Shri Lal Chand SSI Faridabad Complex Administration Faridabad and closed their case. Then the case was fixed for the evidence of the workman who examined himself as his own witness and closed his case. Then the case was fixed for arguments. Arguments were heard. Now I give my finding issues wise:—

Issue No. 1.—In the statement of claim the workman has written that he was kept on probation for a period of two years which was not extended. Therefore he should automatically be confirmed. In reply the management denied the contention and replied that the probation period was extended from time to time. In the evidence MW-1 stated that according to the records the workman was appointed on 1st June, 1973 on two years probation. The period of probation was extended for six months and again it was extended twice. His services were terminated during the extended period of probation. In cross examination he stated that according to rules it was necessary that confirmation letter should be issued otherwise the workman will be treated on probation. WW-1 stated that no chargesheet was issued to him at the time of his removal from service. He was also not given any letter for extending his period of probation. In cross examination he stated that he did not know whether he was appointed on two years probation.

According to the pleadings of the parties and Ex. M-1 the appointment letter, it is proved that the workman was a probationer. Therefore, this issue is decided accordingly.

Issue No. 2.—In para number 1 of the reply, the management awarded that the period of probation was extended from time to time. The work of the workman was not satisfactory and he was required to improve his work. Though there is no mention of this in the statement of MW-1. Further there seems to be no motive behind the order of extension of the period of probation by the management. The workman was employed as a sweeper and extension of probation from time to time shows that the work of the workman was not satisfactory. Therefore, this issue is decided against the workman.

Issue No. 3.—The parties have not led any evidence on this issue. Therefore, this issue is decided against the management.

Issue No. 4.—The case of the workman according to him is that he did not receive any letter of extension of period of probation and therefore, he stood automatically confirmed. This argument was rebutted by the representative for the management who cited AIR 1961 Allahabad page 450 wherein it is held that:—

"A government servant on probation is not to be deemed to be confirmed on the expiry of the period of his probation, if no orders confirming him in his substantive post or extending his period of probation are passed by the competent authority. The orders confirming the officer, terminating his appointment, or extending the period of probation may be passed even after the expiry of the period of probation provided the decision is based on the work and conduct during the period of probation."

He also cited AIR 1966 (S.C.) 184 where in it is held as under:—

"That the respondent did not cease to be a probationer after expiry of the probation period. Without any specific order of confirmation he continued as a probationer only and acquired no substantive right to hold the post."

Thus services of the workman did not stand automatically confirmed and he continued as a probationer. During this period the termination of services of the workman were justified and in order. He is not entitled to any relief.

Dated the 18th August, 1980.

M.C. BHARDWAJ,

Presiding Officer, Industrial,
Tribunal Haryana Faridabad.

No. 774 ,

dated 27th August, 1980.

Forwarded (four copies) to the Secretary to Government Haryana Labour & Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act.

M.C. BHARDWAJ,

Presiding Officer, Industrial
Tribunal Haryana Faridabad.

No. 11(112)-80-3Lab/10110.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/S Pal Rubber Works, Industrial Area, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA FARIDABAD

Reference No. 102 of 1979

Between

THE WORKMEN AND THE MANAGEMENT OF M/S PAL RUBBER WORKS, INDUSTRIAL AREA,
FARIDABAD

Present.—Shri S.R. Gupta for the workmen.

Shri R.C. Sharma for the management.

AWARD

By order No. FD/11/192-78/13381, dated 21st March, 1979 the Governor of Haryana referred the following disputes between the management of M/s, Pal Rubber Works, Industrial Area, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the minimum wages of the workers should be fixed at Rs. 350 p.m. ? If so, with what details ?

2. Whether the grades and scales of pay of the workmen should be framed? If so, with what details?
3. Whether the workmen are entitled to the grant of dearness allowance? If so, with what details?
4. Whether the workmen are entitled to the grant of bonus for the year 1977? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 25th July, 1979:—

1. Whether the demand is properly espoused?
2. Whether the minimum wages of the workers should be fixed at Rs. 350 per mensem? If so, with what details?
3. Whether the grades and scales of pay of the workmen should be framed? If so, with what details?
4. Whether the workmen are entitled to the grant of dearness allowance? If so, with what details?
5. Whether the workmen are entitled to the grant of bonus for the year 1977? If so, with what details?

And the case was fixed for the evidence of the workmen. The workmen examined Shri Badan Singh and Phagu Ram and closed their case and also produced documents Ex. W-2 and W-3 and W-4. Then the case was fixed for the evidence of the management who filed Ex. M-2 and closed their case. Arguments heard. Now I give my finding issueswise:—

Issue No. 1.—WW-1 stated that they had raised the demand which was signed by him alongwith other workers of the factory. In cross examination he stated that they had given the authority to raise the demands to the union led by Shri Mehan Lal and Shri S.R. Gupta. WW-2 stated that they had authorised their union to raise the demands and he had signed that authority. The management did not produce any evidence to rebut the statements. Therefore this issue is decided in favour of the workmen.

Issues No. 2, 3 and 4.—These issues being interrelated have been taken up together. WW-1 and WW-2 in their statements had made demands for raising their minimum wage to Rs. 500 per mensem. The management produced Ex. M-2, copy of Haryana Government Gazette notification revising the minimum rates of wages in the Rubber Industries w.e.f. 21st December, 1979. There is a note in the notification that the rates of wages are linked with working class consumer price index number on its rise and a fall. Adjustment in wages will be made six monthly according to State Composite Index. The rates of wages fixed by the Government are inclusive. Therefore, in the circumstances, no finding is necessary on these issues.

Issue No. 5.—The management produced Ex. M-1 which has been admitted by WW-1. According to it workmen were to be paid bonus at 8.33 percent. This settlement is signed by the management and 27 workers. Therefore, this issue is decided accordingly.

While answering the reference, I give my award that the workmen are entitled to the grant of bonus at 8.33 percent as per the settlement Ex. M-1 for the year 1977.

Dated the 19th August, 1980

M. C. BHARDWAJ,

Presiding Officer, Industrial
Tribunal Haryana Faridabad.

No. 777, dated 27th August, 1980

Forwarded (four copies) to the Secretary to Government Haryana Labour & Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,

Presiding Officer, Industrial
Tribunal Haryana Faridabad.